



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,282	11/26/2003	Keith G. Wiedow	VALMET-97	5578
36528	7590	04/22/2005	EXAMINER	
STIENNON & STIENNON 612 W. MAIN ST., SUITE 201 P.O. BOX 1667 MADISON, WI 53701-1667			HALPERN, MARK	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/723,282	Applicant(s) WIEDOW ET AL.	
	Examiner Mark Halpern	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

HL

il

DETAILED ACTION

- 1) Acknowledgement is made of Amendment response received 1/28/2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 1) Claims 1-2, 5-8, are rejected under 35 U.S.C. 102(b) as being anticipated by Gresham (3,377,224).

Claims 1-2: Gresham discloses an apparatus for crimping multiple plies of a fibrous cellulosic material. The apparatus includes multiple crimping rolls arranged in a cross machine direction, a rotating anvil roll and a linear means for providing pressure load on the crimping rolls against the anvil roll to crimp bond the fibrous cellulosic plies. Arms 11 are attached to rolls 10; the rolls rotate on linear bearings. Vertical grooves are shown in Figure 2 (col. 2, line 9 to col. 4, line 72, and Figures 1-7). Claim 1 recitation of “the support bracket mounted by a linear bearing to the transverse carriage for vertical motion toward and away from the anvil roll”, is a method limitation and not an apparatus limitation, since it is for the purpose of vertical motion.

Claim 5: two crimping wheels are disclosed in Figure 7.

Claims 6-8 are method aspects providing no structural differences over the structure in cited prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2) Claims 9-10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gresham (3,377,224). Gresham is applied as above for claim 5, Gresham is silent on each of the crimping wheels being mounted on separate shafts, however, it would have been obvious, to one skilled in the art at the time the invention was made, that the separate shafts be replaced by a single shaft since the crimping wheels on a single shaft perform the same function as do the crimping wheels on separate shafts, and thus replacing with one shaft would reduce the overall cost of the apparatus.

3) Claims 3-4, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gresham in view of Yoshitani (6,021,790). Gresham is applied as above for claim 1, Gresham is silent on air knife providing air against crimping wheels. Yoshitani discloses an air knife blowing air at a cleaning station in a substrate treatment apparatus (col. 1, lines 36-48). It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Gresham and Yoshitani, because such a combination would provide in-process cleaning of the apparatus of

Art Unit: 1731

Gresham as disclosed by Yoshitani, and thus prolong the life of the apparatus of Gresham.

Response to Amendment

4) Applicants' arguments filed 1/28/2005, have been fully considered but they are not persuasive.

In regard to claim 1, Applicants allege that the cited prior art, Gresham, does not disclose the limitation "the support bracket mounted by a linear bearing to the transverse carriage for vertical motion toward and away from the anvil roll",

The examiner responds that the above limitation is a method limitation and not an apparatus limitation, since it is for the purpose of vertical motion. A suggested structural differentiation over cited prior art should recite a support bracket capable of vertical motion toward and away from the anvil roll.

In regard to claim 3, Applicants allege that the cited prior art, Yoshitani, does not disclose an air knife to prevent vibration in a high speed crimper.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Yoshitani's air knife does not prevent vibration) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Yoshitani discloses an air knife.

In regard to claims 9-10, Applicants allege that the cited prior art, Gresham, does not provide motivation for replacing one shaft with two shafts.

It would have been obvious, to one skilled in the art at the time the invention was made, that the separate shafts be replaced by a single shaft since the crimping wheels on a single shaft perform the same function as do the crimping wheels on separate shafts, and thus replacing with one shaft would reduce the overall cost of the apparatus.

Conclusion

5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/723,282

Art Unit: 1731

Page 6

A handwritten signature in black ink, appearing to read "M. Halpern", with a long horizontal flourish extending to the right.

Mark Halpern
Primary Examiner
Art Unit 1731